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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

Arsie Ashenafi Wodesso

Plaintiff,

v.

William D. McNamee, Portland District Director and **Jonathan Scharfen**, Acting Director, United States Citizenship and Immigration Services; **Michael Chertoff**, Secretary, Department of Homeland Security; **Michael Mukasey**, United States Attorney General; **Robert S. Mueller, III**, Director, Federal Bureau of Investigation, and **Michael A. Cannon**, Chief, National Name Check Program;

Defendants.

Based on the joint motion of the parties and the files and records in this case, it is
HEREBY ORDERED AND ADJUDGED as follows:

1. This matter shall be remanded to the United States Citizenship and Immigration Services with instructions to adjudicate Plaintiff's application for naturalization and, if the application is

**ORDER OF REMAND WITH
INSTRUCTIONS**

1 PROPOSED ORDER OF REMAND

approved, swear in Plaintiff as a citizen of the United States within 30 days of the date of this Order.

2. If, for whatever reason, Plaintiff's application for naturalization is not adjudicated within 30 days from the date of this Order of Remand, this Court shall retain jurisdiction to review the matter.
3. All parties waive their rights to appeal this Order of Remand.
4. This Order of Remand shall be without prejudice to the right of Plaintiff to apply for attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and related sections ("EAJA") against Defendants.

Dated this 22nd day of September, 2008



Paul J. Papak
HONORABLE PAUL J. PAPAK
United States Magistrate Judge